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8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

10 LEROY WILLIAMS BEY,

11 Plaintiff,

12 v.  
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14 RISK MANAGEMENT DIVISION,

15 Defendant.

CASE NO. C11-5873-RBL-JRC

REPORT AND  
RECOMMENDATION TO DENY  
IN FORMA PAUPERIS STATUS

NOTED FOR: November 18, 2011

16 This 42 U.S.C. §1983 civil rights matter has been referred to the undersigned  
17 Magistrate Judge pursuant to 28 U.S.C. §§ 636 (b)(1)(A) and (B) and Local  
18 Magistrate Judge Rules MJR 1, MJR 3, and MJR 4. Plaintiff asks to proceed in  
19 forma pauperis (ECF No. 1).  
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21 The Court has reviewed the complaint. Plaintiff does not allege that he is in  
22 danger of any physical injury. This is a case involving allegations that property  
23 was lost or stolen (ECF No. 1, proposed complaint). Plaintiff on three or more  
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1 occasions has had cases dismissed for failure to state a claim or as frivolous. The  
2 Court recommends denial of in forma pauperis status pursuant to 28 U.S.C. § 1915  
3 (g).

4       The Honorable Judge Theiler in Leroy Williams Bey v. Child Protective  
5 Services, 10-cv-1951JLR succinctly stated the reasons for denying IFP in a similar  
6 case:  
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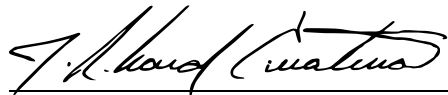
8           A prisoner may not proceed IFP in a civil action if he or she  
9 has, on three or more prior occasions, brought civil actions that were  
10 dismissed on the grounds that they were frivolous, malicious, or failed  
11 to state a claim upon which relief may be granted, unless the prisoner  
12 is under imminent danger of serious physical injury. *See* 28 U.S.C. §  
13 1915(g). Over the past year and a half, the Court has dismissed for,  
14 *inter alia*, failure to state a claim upon which relief may be granted  
15 more than twenty *pro se* § 1983 complaints that plaintiff brought with  
16 IFP requests. *See, e.g., Williams v. Ellis*, C10-0028-RSM (Dkt. 11);  
17 *Williams v. Sugar*, C10-0027-JLR (Dkt. 12); *Williams v. Young*, C10-  
18 0026-JLR (Dkt. 10); *Williams v. Sakota*, C10-0023-JCC (Dkt. 12);  
19 *Williams v. Transfer Officers*, C10-0022-RAJ (Dkt. 6); *Williams v.*  
20 *Wallace*, C10-0021-RSL (Dkt. 6); *Williams v. Hoppers*, C10-0020-  
21 RSM (Dkt. 11). *See generally O’Neal v. Price*, 531 F.3d 1146, 1152  
22 (9th Cir. 2008) (holding that an IFP action is “brought” for purposes  
23 of imposing § 1915(g) strikes “when he submits a complaint and  
24 request to proceed in forma pauperis to the court”). Nothing in the  
current IFP application or proposed complaint suggests plaintiff is  
under imminent danger of serious physical injury.  
(Dkt. 1.)

20 (Leroy Williams Bey v. Child Protective Services 10-cv-1951JLR (ECF  
21 No.3))(Footnote omitted).

22       The Court recommends the application to proceed in forma pauperis be  
23 denied and plaintiff be given thirty days to pay the full filing fee. Failure to pay  
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1 that fee should result in immediate dismissal of the action. Pursuant to 28 U.S.C. §  
2 636(b)(1) and Fed. R. Civ. P. 72(b), the parties shall have fourteen (14) days from  
3 service of this Report to file written objections. See also Fed. R. Civ. P. 6. Failure  
4 to file objections will result in a waiver of those objections for purposes of de novo  
5 review by the district judge. See 28 U.S.C. § 636(b)(1)(C). Accommodating the  
6 time limit imposed by Fed. R. Civ. P. 72(b), the clerk is directed to set the matter  
7 for consideration on November 18, 2011, as noted in the caption.  
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9 Dated this 28<sup>th</sup> day of October, 2011.  
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13 J. Richard Creatura  
14 United States Magistrate Judge  
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